

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

HECTOR HERNANDEZ-ESCOLASTICO,

Defendant.

USDC SDNY
DOCUMENT
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DATE FILED: 1/26/2021

No. 19-CR-803 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

A review of the docket reveals that the instant criminal action was commenced in September 2019; Defendant Hector Hernandez-Escolastico was charged with one count of distributing a controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A) and one count of using an carrying a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. §§ 924(c)(1)(A)(i) and 924(c)(2); Defendant pleaded guilty to possession with intent to distribute fentanyl, in violation of 21 U.S.C. 841(b)(1)(A), on March 20, 2020; Defendant has been detained since his arrest at the Orange County Correctional Facility since his arrest on or about September 18, 2019; an in-person sentencing hearing is scheduled for January 28, 2021; and Defendant wishes to proceed with his sentencing via video-conferencing or telephonic conferencing.

In light of the ongoing Coronavirus Disease 2019 (“COVID-19”) pandemic, Defendant’s desire to resolve this matter as quickly as possible, Defendant’s increased risk of exposure to COVID-19 as a result of the close quarters in which prisoners are incarcerated at Orange County Correctional Facility, the exposure of COVID-19 to others if an in-person sentencing hearing were required, and in order to comply with social distancing protocols and the directives provided by the Chief Judge of the United States District Court for the Southern District of New York to limit in-person court appearances due to the risk presented by COVID-19, it is the Court’s determination that in order to prevent serious harm to the interest of justice, Defendant Hector Hernandez Escolastico can and should be permitted to

proceed with a sentencing hearing by video teleconference or by telephone conference before this Court pursuant to the CARES Act § 15002(b)(2)(A).

Accordingly, it is hereby ORDERED that the sentencing hearing for Defendant Hector Hernandez-Escolastico be conducted by video teleconference or by telephone conference (if video conference is unavailable) before this Court on January 28, 2021, at 11 a.m.

Dated: January 26, 2021
White Plains, New York

SO ORDERED:

A handwritten signature in dark ink, appearing to read 'Nelson S. Román', is written over a horizontal line.

NELSON S. ROMÁN
United States District Judge